

Adams, Hope

From: Butler, David
Sent: Friday, November 5, 2021 12:02 PM
To: sam.wellborn@duke-energy.com; Heather Smith; Grube-Lybarker, Carri; Hall, Roger; Knowles, Alex; Eclancy@selcsc.org; jwkuykendall@jwklegal.com; Eclancy@selcsc.org; kmixson@selcsc.org; kmixson@selcsc.org; Bateman, Andrew; Mustian, Ben; J. Ashley Cooper; willmittleton@parkerpoe.com; Charles L. A. Terreni; kmixson@selcsc.org; Heather Smith; sam.wellborn@duke-energy.com; Grube-Lybarker, Carri; Hall, Roger; Knowles, Alex; Eclancy@selcsc.org; jwkuykendall@jwklegal.com; Eclancy@selcsc.org; kmixson@selcsc.org; kmixson@selcsc.org; Bateman, Andrew; Mustian, Ben; J. Ashley Cooper; willmittleton@parkerpoe.com; Charles L. A. Terreni; kmixson@selcsc.org; PSC_Contact
Subject: Closing Arguments in DN 2021-143-E and 2021-144-E

To the Parties:

With regard to the closing arguments in the above-noted Dockets, it has been brought to my attention that the burden of proof has not been generally addressed in closing arguments in cases before the Commission. Clearly, the "preponderance of the evidence" standard applies in these matters. I would suggest to you that it would be very helpful for the Applicants to address during closing arguments how they believe that they have met the burden of proof in the matter presently before the Commission, citing whatever evidence they believe is applicable. Likewise, it would be very helpful for the Intervenor and/or ORS to argue in closing arguments why they believe that the Duke Companies did not meet their burden of proof, if that is what they believe, again citing whatever evidence that they believe is applicable. Thank you for your attention to this matter.

Regards,
 David Butler
 Chief Hearing Officer